

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTIAN BOURIEZ,)	
MONTANELLE BEHEER B.V.,)	Civil Action No. 02-2104
)	
Plaintiffs,)	Judge Arthur J. Schwab/
)	Magistrate Judge Ila Jeanne Sensenich
vs.)	
)	
)	Re: Docs. #5, #35
CARNEGIE MELLON UNIVERSITY,)	
)	
Defendant.)	

MEMORANDUM ORDER

On December 10, 2002, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation filed on August 26, 2005, recommended that Plaintiffs' Motion to Dismiss Defendants' Second Counterclaim filed by Plaintiffs (Doc. #66) be denied.

The parties were allowed (10) days from the date of service to file objections. Service was made on all parties. Objections have been filed to the Report and Recommendation.

An Amended Report and Recommendation was filed on September 29, 2005, which was identical to the original Report and Recommendation except for correction of typographical errors, and analysis of issues raised in the objections.

The parties were allowed an additional (10) days from the date of service to file objections. Service was made on all parties. Objections were filed to the Amended Report and Recommendation, citing and discussing for the first time supporting case law.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 28th day of October, 2005;

IT IS HEREBY ORDERED that Plaintiffs' Motion to Dismiss Defendants' Second Counterclaim is denied.

The Amended Report and Recommendation of Magistrate Judge Sensenich, dated September 29, 2005 and filed at Docket #110 is adopted as the opinion of the Court.

s/Arthur J. Schwab

ARTHUR J. SCHWAB

United States District Judge

cc: Ila Jeanne Sensenich
United States Magistrate Judge

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